

S.J. Nudelman & Son, Inc. hereby responds to the U.S. EPA CERCLA Section 104(e) First Information Request regarding the Portland Harbor Superfund Site in Portland, Oregon, issued to S.J. Nudelman & Son, Inc.

S.J. Nudelman & Son generally objects to the breadth and scope of these requests, particularly as applied to its operations since 1937, as the company did not begin operating on the site until 1965. S.J. Nudelman & Son also objects to these requests on the ground that the requests make assumptions about S.J. Nudelman & Son's operations and use of its property that are incorrect, and thus as applied to S.J. Nudelman & Son these requests seek information that is unrelated to S.J. Nudelman & Son and is not relevant or likely to lead to information relevant to releases or threatened releases in the Study Area associated with S.J. Nudelman & Son. Finally, S.J. Nudelman & Son objects to these requests as unduly burdensome. S.J. Nudelman & Son was operated for almost its entire history by Stanford J. Nudelman individually. Stanford Nudelman is deceased, and records that may have been responsive to these requests have been lost or destroyed, forcing S.J. Nudelman & Son to seek them from third parties outside S.J. Nudelman & Son's control and otherwise engage in outside investigation rather than a search of its own records and personnel.

Subject to and without waiving these objections, S.J. Nudelman & Son responds below to these requests in good faith and with the exercise of professional judgment. The information contained in this document is derived from documents obtained from the EPA, the Oregon Department of Environmental Quality, Multnomah County, Oregon, the City of Portland, Oregon, and the former attorney of S.J. Nudelman & Son, and the best recollection of family members of Stan Nudelman, former President of S.J. Nudelman & Son, now deceased.

Section 1.0 Respondent Information

1. Provide the full legal, registered name and mailing address of Respondent.

S.J. Nudelman & Son, Inc.
2707 NW Nela Street
Portland, OR 97210

2. For each person answering these questions on behalf of Respondent, provide:
 - a. full name;
 - b. title;
 - c. business address; and
 - d. business telephone number, electronic mail address, and FAX machine number.



Marvin Nudelman

Title: None

Home address: (b) (6)

Portland, OR 97229

Phone: (b) (6)

Email: (b) (6)

Connie Sue Martin

Attorney

Bullivant Houser Bailey PC

1601 5th Avenue, Suite 2300

Seattle, WA 98101

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3. If Respondent wishes to designate an individual for all future correspondence concerning this Site, please indicate here by providing that individual's name, address, telephone number, fax number, and, if available, electronic mail address.

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Section 2.0 Owner/Operator Information

4. Identify each and every Property that Respondent currently owns, leases, operates on, or otherwise is affiliated or historically has owned, leased, operated on, or otherwise been affiliated with within the Investigation Area during the period of investigation (1937 - Present). Please note that this question includes any aquatic lands owned or leased by Respondent.

The only Property that Respondent currently owns, leases, operates on, or otherwise is affiliated with or historically has owned, leased, operated on, or otherwise been affiliated with within the Investigation Area during the period of investigation is the Property located at 2707 NW Nela Street, Portland, OR 97210.

Source: Marvin Nudelman
Property records (Attachments 47-53)

5. Provide a brief summary of Respondent's relationship to each Property listed in response to Question 4 above, including the address, Multnomah County Alternative Tax lot

Identification number(s), dates of acquisition, period of ownership, lease, operation, or affiliation, and a brief overview of Respondent's activities at the Properties identified.

The Property is located at 2707 NW Nela Street, Portland, OR 97210. It is known by Multnomah County Alternative Account Number R941291580. Respondent has operated a scrap iron and metal salvage and brokerage business on site since it was acquired in 1965. The Property was acquired from the Dan Davis Corporation by Stanford J. and Dorothy S. Nudelman, husband and wife, by statutory warranty deed dated November 30, 1965.

Source: Marvin Nudelman
1965 Warranty Deed (Attachment 49)
Property records (Attachments 47-53)

6. Identify any persons who concurrently with you exercises or exercised actual control or who held significant authority to control activities at each Property, including:

a. partners or joint venturers;

Not applicable.

b. any contractor, subcontractor, or licensor that exercised control over any materials handling, storage, or disposal activity on the Property; (service contractors, remediation contractors, management and operator contractors, licensor providing technical support to licensed activities);

Not applicable.

c. any person subleasing land, equipment or space on the Property;

Not applicable.

d. utilities, pipelines, railroads and any other person with activities and/or easements regarding the Property;

Not applicable.

e. major financiers and lenders;

Not applicable.

f. any person who exercised actual control over any activities or operations on the Property;

Stanford J. Nudelman of S.J. Nudelman & Son was the President and Manager, and exercised actual control over the scrap iron and metal salvage and brokerage business activities and operations from the commencement of operations on the

Property until shortly before his death in November, 2007, with the assistance of a series of single temporary employees, hired as day labor. Marvin Nudelman, Stanford J. Nudelman's son, had sporadic involvement in activities or operations of the Property prior to Stanford Nudelman's death, but since that time has exercised actual control over activities and operations on the Property. He recalls the names of three employees who worked at the yard over 30 years ago: Dean Keller, Lyle Ninehart and Ed Light. The current status and whereabouts of these prior employees is unknown.

- g. any person who held significant authority to control any activities or operations on the Property;

From 1965 – present, S.J. Nudelman & Son (also known by assumed business names ABC & J Recycling Co. and Foundry Iron & Steel Supply Co.).

From 1965 – 2007, Stanford J. Nudelman.

From 2007 – present, Marvin Nudelman

From 2007 – present, Marilyn S. Lakefish as Personal Representative of the Estate of Stanford S. Nudelman and as Guardian of Dorothy Nudelman.

- h. any person who had a significant presence or who conducted significant activities at the Property; and

From 1965 – present, S.J. Nudelman & Son (also known by assumed business names ABC & J Recycling Co. and Foundry Iron & Steel Supply Co.)

From 1965 – 2007, Stanford J. Nudelman.

From 2007 – present, Marvin Nudelman.

- i. any government entities that had proprietary (as opposed to regulatory) interest or involvement with regard to the activity on the Property.

Not applicable.

Source: Marvin Nudelman
Oregon Secretary of State Corporate records (Attachments 32-37)
Transcript of interview taken by EPA of Stanford J. Nudelman during TSCA program inspection and investigation (Attachment 14)

- 7. Identify and describe any legal or equitable interest that you now have, or previously had in each Property. Include information regarding the nature of such interest; when, how, and from whom such interest was obtained, and when, how, and to whom such interest was conveyed, if applicable. In addition, submit copies of all instruments evidencing the acquisition or conveyance of such interest (e.g., deeds, leases, purchase and sale agreements, partnership agreements, etc.).

The Property has been owned in fee simple by Stanford J. Nudelman and Dorothy S. Nudelman, husband and wife, since November 30, 1965. Title was transferred to Stanford J. and Dorothy

S. Nudelman through a statutory warranty deed. A copy of the Warranty Deed is attached (Attachment 49).

8. If you are the current owner and/or current operator, did you acquire or operate the Property or any portion of the Property after the disposal or placement of hazardous substances, waste, or materials on, or at the Property? Describe all of the facts on which you base the answer to this question.

Yes. The Property was originally acquired by Stanford J. and Dorothy S. Nudelman on November 30, 1965. While S. J. Nudelman & Son does not have any records regarding the prior history of the Property, according to the Oregon Department of Environmental Quality (ODEQ) website and a Preliminary Assessment conducted by the ODEQ under an agreement with the USEPA. The Property is situated on the location of the former Guilds Lake incinerator and landfill site (ODEQ Site ID 404), which is currently owned by the City of Portland. Incineration and landfilling of municipal garbage and ash occurred at that site from 1909 to the late 1940s, and the site may have contained several underground storage tanks. ODEQ has determined that releases of petroleum, chromium, lead, arsenic and cadmium occurred at the site between 1909 and the late 1940s.

Sometime after the Guilds Lake operations ceased, the City of Portland operated the Longview City Laundry & Cleaners on the site (ODEQ Site ID 1395). According to the ODEQ website, contamination at the site resulting from the City's incinerator and landfill disposal activities includes: "... inorganics (mainly arsenic, cadmium, chromium, lead and manganese) and certain organics (mainly old, degraded diesel and oil-range petroleum hydrocarbons). Methane may also occur on-site resulting from the degradation of landfill debris or naturally occurring organic material. The eastern portion of the LCL&C site is impacted by a second, apparently more recent release of petroleum hydrocarbons in addition to the contamination associated with the landfill debris and incineration ash. This second type of organic contamination is characterized as mainly diesel range-petroleum hydrocarbons containing elevated concentrations of volatile and soluble components that are not seen in the older degraded hydrocarbons associated with the landfill debris and ash." (<http://www.deq.state.or.us/lq/ECSE/ecsdetail.asp?seqnbr=1395>). The ODEQ website does not state the dates the City operated at the site, but it would have been sometime prior to S.J. Nudelman & Son's purchase of the Property in 1965.

9. At the time you acquired or operated the Property, did you know or have reason to know that any hazardous substance, waste, or material was disposed of on, or at the Property? Describe all investigations of the Property you undertook prior to acquiring the Property and all of the facts on which you base the answer to this question.

Unknown. As explained above, the now-deceased principal of S. J. Nudelman & Son, Stanford J. Nudelman, purchased the Property on November 30, 1965. S. J. Nudelman & Son has reviewed all of the records kept regarding the Property and have not discovered anything pertaining to or describing any environmental investigations of the Property conducted prior to the purchase.

10. Identify all prior owners that you are aware of for each Property identified in Response to Question 4 above. For each prior owner, further identify if known, and provide copies of any documents you may have regarding:

a. the dates of ownership;

(i) Dan Davis Corporation: October 13, 1965 – November 30, 1965

(ii) Donald H. Roberts and Ermal H. Roberts, Husband and Wife:
January 23, 1956 to October 15, 1965

Respondent has been unable to determine the owners prior to 1956.

b. all evidence showing that they controlled access to the Property; and

Respondent has no evidence showing that the prior owners controlled access to the Property.

c. all evidence that a hazardous substance, pollutant, or contaminant, was released or threatened to be released at the Property during the period that they owned the Property.

Respondent has no evidence that a hazardous substance, pollutant, or contaminant was released or threatened to be released at the Property during the period that prior owners owned the Property, with the exception of the information related to the Guilds Lake Site described at response to Request for Information No. 8, above and No. 11, below.

11. Identify all prior operators of the Property, including lessors, you are aware of for each Property identified in response to Question 4 above. For each such operator, further identify if known, and provide copies of any documents you may have regarding:

a. the dates of operation;

b. the nature of prior operations at the Property;

c. all evidence that they controlled access to the Property; and

d. all evidence that a hazardous substance, pollutant, or contaminant was released or threatened to be released at or from the Property during the period that they were operating the Property.

The Property originally was acquired by Stanford J. and Dorothy S. Nudelman on November 30, 1965. While S. J. Nudelman & Son does not have any records regarding the prior history of the Property, according to the Oregon Department of Environmental Quality (ODEQ) website and a Preliminary Assessment conducted by the ODEQ under an agreement with the USEPA, the Property is situated on the location of the former Guilds Lake incinerator and landfill site (ODEQ Site ID 404), which is currently owned by the City of Portland. Incineration and landfilling of municipal garbage and ash occurred at that site from 1909 to the late 1940s, and the site may have contained several underground storage tanks. ODEQ has determined that

releases of petroleum, chromium, lead, arsenic and cadmium occurred at the site between 1909 and the late 1940s.

Sometime after the Guilds Lake operations ceased, the City of Portland operated the Longview City Laundry & Cleaners on the site (ODEQ Site ID 1395). According to the ODEQ website, contamination at the site resulting from the City's incinerator and landfill disposal activities includes: "... inorganics (mainly arsenic, cadmium, chromium, lead and manganese) and certain organics (mainly old, degraded diesel and oil-range petroleum hydrocarbons). Methane may also occur on-site resulting from the degradation of landfill debris or naturally occurring organic material. The eastern portion of the LCL&C site is impacted by a second, apparently more recent release of petroleum hydrocarbons in addition to the contamination associated with the landfill debris and incineration ash. This second type of organic contamination is characterized as mainly diesel range-petroleum hydrocarbons containing elevated concentrations of volatile and soluble components that are not seen in the older degraded hydrocarbons associated with the landfill debris and ash." (<http://www.deq.state.or.us/lq/ECSI/ecsidetail.asp?seqnbr=1395>). The ODEQ website does not state the dates the City operated at the site, but it would have been sometime prior to Nudelman & Son's purchase of the Property in 1965.

12. If not included in response to any of the previous questions; please describe the purpose and duration of each aquatic lands lease Respondent or the operator of Respondent's Property(ies) ever obtained from the State of Oregon and provide a copy of each application for and aquatic lands lease obtained.

Not applicable.

Section 3.0 Description of Each Property

13. Provide the following information about each Property identified in response to Question 4:

- a. property boundaries, including a written legal description;

A tract of land situated in the Northeast quarter of Section 29, Township 1 North, Range 1 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon, described as follows:

Beginning at a point in the Northerly extension of the Eastern boundary of Industrial Center that is North 0°19'45" East 1096.33 feet from the Northwest corner of the William Blackistone Donation Land Claim in said Section 29; thence South 78°59'45" East 132.43 feet (by survey), to a point that is Easterly at right angles to said Easterly boundary a distance of 130.00 feet said point being the true point of beginning of the tract to be described; thence continuing South 78°59'45" East 142.82 feet (by survey); thence North 0°19'45" East 481.93 feet to the Southwesterly line of tract "H" in the Subdivision of the Peter Guild Donation Land Claim; thence North 66°08' West along the Southwesterly line of

said lot "H" 140.92 feet; thence South 0°19'45" West 217.87 feet; thence North 80°19'45" West 11.33 feet; thence South 0°19'45" West 293.87 feet to the true point of beginning.

- b. location of underground utilities (telephone, electrical, sewer, water main, etc.);

Respondent has no knowledge or information regarding the location of underground telephone or electrical utilities, and believes these utilities are solely above ground. The locations of underground sewer and water main utilities are depicted on the images generated on September 8, 2009 by Portland Maps from the City of Portland's GIS system, produced with this response. However, the Property has a septic system and is not connected to the public sewer.

- c. location of all underground pipelines whether or not owned, controlled or operated by you;

None.

- d. surface structures (e.g., buildings, tanks, pipelines, etc.);

There is a building that houses Respondent's office located at the northwest corner of the Property, as well as two small work sheds. In addition, there is a railroad-mounted crane located in the southern half of the Property. There are no other surface structures such as tanks or pipelines.

- e. over-water structures (e.g., piers, docks, cranes, etc.);

None.

- f. dry wells;

None.

- g. treatment or control devices (e.g., surface water, air, groundwater, Resource Conservation and Recovery Act (RCRA), Transfer, Storage, or Disposal (TSD), etc.);

None.

- h. groundwater wells, including drilling logs;

There are no groundwater wells on the Property.

- i. storm water drainage system, and sanitary sewer system, past and present, including septic tank(s) and where, when and how such systems are emptied and maintained;

There are no storm water drainage systems or sanitary sewer systems on the Property. The Property is served by a septic system, although its location is presently unknown to Respondent. The location may be evident from the records of the Development Services Bureau of the City of Portland, which Respondent has requested.

- j. subsurface disposal field(s), Underground Injection Control (UIC) wells, and other underground structures (e.g., underground storage tanks (USTs); and where they are located, if they are still used, and how they were closed;

None.

- k. any and all major additions, demolitions or changes on, under or about the Property, its physical structures or to the property itself (e.g., stormwater drainage, excavation work); and any planned additions, demolitions or other changes to the Property;

There have been no major additions, demolitions or changes on, under or about the Property, its physical structures or to the property itself during the time of Respondent's ownership of and control over the Property, nor are any planned. There was a minor excavation conducted in May, 1993 when two existing unregulated underground storage tanks (1,000 gallon gasoline tank and 1,000 gallon diesel fuel tank) were emptied and removed, and the holes backfilled.

- l. all maps and drawings of the Property in your possession; and

See Attachments 38-46

- m. all aerial photographs of the Property in your possession.

See Attachments 1-12

- 14. For Properties adjacent to the Willamette River, provide specific information describing the river-ward boundary of private ownership and where state aquatic lands and/or state-management jurisdiction begins. Provide a map that delineates the river-ward boundary of each Property.

Not applicable.

15. For each Property, provide all reports, information or data you have related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about each Property. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.

See Attachments 13-31. In addition, EPA has in its files a copy of the following document:

Date	Title	SDMS Document ID
11/28/1990	Environmental Site Assessment.	1188544

16. Identify all past and present solid waste management units or areas where materials are or were in the past managed, treated, or disposed (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas, etc.) on each Property. For each such unit or area, provide the following information:
- a map showing the unit/area's boundaries and the location of all known units/areas whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units/areas;

There have never been, nor are there presently, solid waste management units on the Property during Respondent's ownership or operation of the site, from 1965 - present. The Property has generally been partially covered with scrap. In 1988 when EPA conducted a TSCA site inspection, the inspector noted that most of the front half of the site was covered up to 8 ft. deep with scrap mixed with Pacific Northwest Bell telephone equipment. Large panels containing hundreds of small enclosed units that look like capacitors were seen. Blackberries have nearly taken over the entire site. The back half of the site holds much older scrap, some piles have decayed into heaps of rust. More electrical equipment was seen, but little oil filled units other than small electrical panels. As noted at ODEQ's website, incineration and landfilling of municipal garbage and ash occurred on the adjacent Guild's Lake site from 1909 to the late 1940s, and the site may have contained several underground storage tanks. In May, 1990, Northwest Geological Services consultants were retained to perform a Preliminary Assessment of the adjacent property, 2615 – 2619 N.W. Industrial Street (Marathon) on behalf of Marathon. Northwest Geological Services concluded that the Property is underlain by ashes from the Guild's Lake incinerator, and unburned landfill debris. However, there has been no sampling on the Property to either confirm or refute this conclusion.

A hand-drawn map, which is an attachment to the March 30, 1989 Preliminary Assessment prepared by ODEQ for the EPA, depicts the Property boundary, structures, and scrap piles. (Attachment 45)

- b. dated aerial photograph of the site showing each unit/area;

See attached.

- c. the type of unit/area (e.g., storage area, landfill, waste pile, etc.), and the dimensions of the unit/area;

Respondent has, since 1965, operated a scrap iron and metal salvage and brokerage business. As a consequence, and as documented in EPA's 1988 TSCA Inspection Report and ODEQ's March 30, 1989 Preliminary Assessment prepared for the EPA, scrap iron and metal is stored in piles onsite. There are scrap piles all over the site, up to eight feet deep in some areas.

- d. the dates that the unit/area was in use;

Scrap iron and metal have been stored in piles on the site continuously since 1965.

- e. the purpose and past usage (e.g., storage, spill containment, etc.);

The piles of scrap iron and metal have been used for storage as part of Respondent's business.

- f. the quantity and types of materials (hazardous substances and any other chemicals) located in each unit/area; and

Respondent does not, and has not, stored or processed hazardous substances or chemicals on the Property. Respondent dismantled and recovered materials from transformers purchased from the Bonneville Power Administration (BPA) for approximately one year in approximately 1984, but BPA has confirmed through its records of transformers sold to Respondent that none of the BPA transformers contained PCBs in excess of 1 ppm. Waste oils recovered from scrapped materials containing waste oil were removed and disposed of by the Harbor Oil Company prior to the scrap being brought to the Property.

In a surprise inspection conducted by EPA in August, 1988 pursuant to the Toxic Substances Control Act, the EPA inspector observed a number of transformers, including one unit which had been broken open or dismantled and from which oil had run onto the ground. The EPA assumed the transformer bushings were PCB contaminated, but later discovered that the transformers Respondent purchased for scrap used oil that was non-PCB (Dyala-D). PCBs were found in low levels in a single composite soil sample taken outside the Property's chain link fence.

During that same inspection, a GE transformer was discovered onsite that was determined to contain PCBs at 124 ppm. Respondent believes that GE removed and disposed of the GE transformer in 1989, and the 2 ft² of soil that underlay it, but does not have records to confirm that belief.

- g. the construction (materials, composition), volume, size, dates of cleaning, and condition of each unit/area.

Not applicable.

- 17. If the unit/area described above is no longer in use, how was such unit/area closed and what actions were, taken to prevent or address potential or actual releases of waste constituents from the unit/area.

Not applicable.

- 18. For each Property, provide the following information regarding any current or former sewer or storm sewer lines or combined sanitary/storm sewer lines, drains, ditches, or tributaries discharging into the Willamette River:
 - a. the location and nature of each sewer line, drain, ditch, or tributary;
 - b. the date of construction of each sewer line, drain, ditch, or tributary,
 - c. whether each sewer line, or drain was ever connected to a main trunk line;
 - d. whether each sewer line, drain, ditch, or tributary drained any hazardous substance, waste, material or other process residue to the Willamette River, and
 - e. provide any documentation regarding but not limited to the following on any and all outfalls to the Willamette River which are located within the boundaries of the Property(ies). Your response should include, but not be limited to:
 - i. the areas serviced by the outfalls; and
 - ii. the type of outfall (i.e., storm water or single facility operational).

The City of Portland's records show no sewer or storm water or combined sanitary/storm sewer lines, drains, ditches, or tributaries located on the Property, and interview notes contained in the ODEQ and EPA site files are consistent with that, as are the available aerial photos. (Attachments 1-12, 13-19)

The sewer lines serving the adjacent parcels are depicted on the attached Portland Maps Sewer Assets map, prepared on September 8, 2009. (Attachment 41)

- 19. Provide copies of any stormwater or property drainage studies, including data from sampling, conducted at these Properties on stormwater, sheet flow, or surface water runoff. Also provide copies of any Stormwater Pollution Prevention, Maintenance

Plans, or Spill Plans developed for different operations during the Respondent's operation of each Property.

None exist.

Section 4.0 Respondent's Operational Activities

20. Describe the nature of your operations or business activities at each Property. If the operation or business activity changed over time, please identify each separate operation or activity, the dates when each operation or activity was started and, if applicable, ceased.

Since 1965, Respondent has operated a steel and scrap metal salvage and brokerage business. From 1965 to approximately 1989, steel and scrap metal was brought to the Property and disassembled for resale and disposal. Steel and scrap metal were stored onsite. Waste oil was recovered and removed from the BPA transformers by Harbor Oil prior to the transformers being brought to the Property. From approximately 1989, Respondent's business has focused more on brokerage of scrap steel and metal than on salvage, so materials were brought to the site and salvaged or stored less and less frequently. For approximately one year in approximately 1984, Respondent purchased transformers from BPA for salvage, but discontinued transformer salvage thereafter because there was not sufficient salvageable materials in the transformers to make the salvage profitable. . At present, approximately 1000 – 1500 ft² of the 1.54 acres of the Property are being used for steel and scrap metal storage.

Source: Marvin Nudelman

21. At each Property, did you ever use, purchase, generate, store, treat, dispose, or otherwise handle any waste, or material? If the answer to the preceding question is anything but an unqualified "no," identify:

- a. in general terms, the nature and quantity of the waste or material so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled;

Respondent has never used, purchased, generated, treated, stored, disposed, or handled waste at the Property, with one exception. In 1988, EPA discovered a single GE transformer found to contain PCBs at 124 ppm. Respondent had no record of how the single GE transformer came to be at the Property, or how long it had been stored there prior to its discovery and removal by GE in 1989. From 1965 to the present, Respondent has purchased, stored, and handled scrap steel and metal material at the Property.

- b. the chemical composition, characteristics, physical state (e.g., solid, liquid) of each waste or material so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled;

Respondent transported to and then stored and disassembled solid scrap steel and metal on the Property for subsequent resale. Respondent's operations do not generate wastes.

- c. how each such waste or material was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you; and

Scrap steel and metal is purchased from various sources and transported to the Property. Once onsite, it is stored there indefinitely in outdoor piles until cut into smaller pieces and resold.

- d. the quantity of each such waste or material used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.

An estimate of the volume of steel and scrap metal onsite by the EPA TSCA investigator in 1988 was in excess of 100,000 lbs. At present, there is an estimated 10 tons of steel and scrap metal located on the Property. The most recent sales records of Respondent are approximately 100 tons of steel and scrap metal bought and sold annually. Of that amount, 80% is brokered off-site, and only approximately 20% is brought to the Property for storage prior to resale.

Source: Marvin Nudelman

- 22. Describe all activities at each Property that was conducted over, on, or adjacent to, the Willamette River. Include in your description whether the activity involved hazardous substances, waste(s), or materials and whether any such hazardous substances, waste(s), or materials were discharged, spilled, disposed of, dropped, or otherwise came to be located in the Willamette River.

None.

- 23. For each Property at which there was or is a mooring facility, dock, wharf or any over-water structure, provide a summary of over-water activities conducted at the structure, including but not limited to, any material loading and unloading operations associated with vessels, materials handling and storage practices, ship berthing and anchoring, ship fueling, and ship building, retrofitting, maintenance, and repair.

Not applicable.

- 24. Describe all activities conducted on leased aquatic lands at each Property. Include in your description whether the activity involved hazardous substances, waste(s), or materials and whether any such hazardous substances, waste(s), or materials were discharged, spilled, disposed of, dropped, or otherwise came to be located on such leased aquatic lands.

None.

25. Please describe the years of use, purpose, quantity, and duration of any application of pesticides or herbicides on each Property during the period of investigation (1937 - present). Provide the brand name of all pesticides or herbicides used.

No pesticides or herbicides have been applied on the Property from 1965 to the present. Respondent has no knowledge or information of pesticide or herbicide application at the Property prior to its ownership or operation.

26. Describe how wastes transported off the Property for disposal are and ever were handled, stored, and/or treated prior to transport to the disposal facility.

Not applicable.

27. Has Respondent ever arranged for disposal or treatment or arranged for transportation for disposal or treatment of materials to any Property (including the Willamette River) within the Investigation Area? If so, please identify every Property that Respondent's materials were disposed or treated at in the Investigation Area. In addition, identify:

- a. the persons with whom the Respondent made such arrangements;
- b. every date on which Respondent made such arrangements;
- c. the nature, including the chemical content, characteristics, physical state (e.g., solid, liquid), and quantity (volume and weight) of all materials involved in each such arrangement;
- d. in general terms, the nature and quantity of the non-hazardous materials involved in each such arrangement;
- e. in general terms, the nature and quantity of any hazardous materials involved in each such arrangement;
- f. the owner of the materials involved in each such arrangement, if not Respondent;
- g. all tests, analyses, analytical results or manifests concerning each hazardous material involved in such transactions;
- h. the address(es) for each Property, precise locations at which each material involved in such transactions actually was disposed or treated;
- i. the owner or operator of each facility at which hazardous or non-hazardous materials were arranged to be disposed at within the Investigation Area;
- j. who selected the location to which the materials were to be disposed or treated;
- k. who selected the Property as the location at which hazardous materials were to be disposed or treated; and
- l. any records of such arrangement(s) and each shipment.

No.

28. Describe the plants and other buildings or structures where Respondent carried out its operations at each Property within the Investigation Area (excluding locations where ONLY clerical/office work was performed).

There is an 841 ft² structure on the Property where Respondent performs only clerical/office work, as well as two adjacent covered sheds (192 ft² and 140 ft², respectively) where work was performed before the Respondent changed the focus of its business from salvage to brokerage of scrap. There is also approximately 2000 ft² of blacktop.

Source: Multnomah County Property Records (Attachments 47-51)

29. Provide a schematic diagram or flow chart that fully describes and/or illustrates the Respondent's operations on each Property.

No such diagram or flow chart exists. Respondent's operations are simple and straightforward: it was historically a steel and scrap metal salvage operation. Large steel and scrap-metal-containing equipment, tools, and machinery were brought to the site, cut apart and/or disassembled on an ad hoc basis as necessary for storage and/or resale, and then stored onsite until resold. Respondent's operations now are almost entirely a scrap metal brokerage, and only about 20% of the scrap it purchases is brought to the Property for storage before it is salvaged or resold.

30. Provide a brief description of the nature of Respondent's operations at each location on each Property including:

- a. the date such operations commenced and concluded; and

Respondent commenced its steel and scrap metal salvage and brokerage business on the Property in 1965, and has continued the same operation to the present.

- b. the types of work performed at each location, including but not limited to the industrial, chemical, or institutional processes undertaken at each location.

The only work performed is the cutting apart of steel and metal objects for salvage and resale. No industrial, chemical, or institutional processes are now or have ever been performed at the Property.

31. If the nature or size of Respondent's operations changed over time, describe those changes and the dates they occurred.

Not applicable.

32. List the types of raw materials used in Respondent's operations, the products manufactured, recycled, recovered, treated, or otherwise processed in these operations.

Not applicable. Respondent's operations do not involve manufacturing, recycling, recovering, treating, or otherwise processing the steel and scrap metal equipment, tools, and machinery brought to the Property. The only handling of the steel and scrap metal was the physical disassembly, sometimes using a cutting torch.

33. Provide copies of Material Safety Data Sheets (MSDS) for materials used in the Respondent's operations.

Not applicable.

34. Describe the cleaning and maintenance of the equipment and machinery involved in these operations, including but not limited to:
- a. the types of materials used to clean/maintain this equipment/machinery;
 - b. the monthly or annual quantity of each such material used;
 - c. the types of materials spilled in Respondent's operations;
 - d. the materials used to clean up those spills;
 - e. the methods used to clean up those spills; and
 - f. where the materials used to clean up those spills were disposed of.

Respondent does not have equipment used in its operations which requires cleaning or maintenance, so none is performed.

35. Describe the methods used to clean up spills of liquid or solid materials during Respondent's operation.

In general, there are not regular or frequent spills of liquid or solid materials associated with Respondents operations, so Respondent does not have a method or protocol for cleanup of liquid materials. And, because Respondent's operation is a scrap metal yard, if solid materials are dropped or spilled, they are generally left in place.

36. For each type of waste (including by-products) from Respondent's operations, including but not limited to all liquids, sludges, and solids, provide the following information:
- a. its physical state;
 - b. its nature and chemical composition;
 - c. its color,
 - d. its odor;
 - e. the approximate monthly and annual volumes of each type of waste (using such measurements as gallons, cubic yards, pounds, etc.); and
 - f. the dates (beginning & ending) during which each type of waste was produced by Respondent's operations.

Not applicable. There are no by-products of, or waste generated by, Respondent's operations.

37. Provide a schematic diagram that indicates which part of Respondent's operations generated each type of waste, including but not limited to wastes generated by cleaning and maintenance of equipment and machinery and wastes resulting from spills of liquid materials.

Not applicable.

38. Identify all individuals who currently have and those who have had responsibility for Respondent's environmental matters (e.g. responsibility for the disposal, treatment,

storage, recycling, or sale of Respondent's wastes). Also provide each individual's job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning Respondent's waste management.

Not applicable. There are no wastes generated by Respondent's operations, and consequently Respondent does not conduct disposal, treatment, storage, recycling, or sale of any wastes.

39. For each type of waste describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling.

Not applicable. For the removal actions conducted in 1989 (transformer containing PCBs) and 1993 (underground storage tanks containing gasoline and diesel), Respondent entered into one-time-only contracts with GE and Spencer, respectively. (Attachments 25 and 29)

For the cleanup of the 2007 soy ink spill in the parking lot, Respondent entered into a one-time-only contract with MRP Services. (Attachment 27)

40. Provide copies of such contracts and other documents reflecting such agreements or arrangements, including, but not limited to the following:
- a. state where Respondent sent each type of its waste for disposal, treatment, or recycling;
 - b. identify all entities and individuals who picked up waste from Respondent or who otherwise transported the waste away from Respondent's operations (these companies and individuals shall be called "Waste Carriers" for purposes of this Information Request);
 - c. if Respondent transported any of its wastes away from its operations, please so indicate;
 - d. for each type of waste specify which Waste Carrier picked it up;
 - e. indicate the ultimate disposal/recycling/treatment location for each type of waste;
 - f. provide all documents indicating the ultimate disposal/recycling/treatment location for each type of waste; and
 - g. state the basis for and provide any documents supporting the answer to the previous question.

The one-time-only contracts with GE, Spencer, and MRP Services are attached. (Attachments 25, 27 and 29). Respondent has no additional information or knowledge related to the specific information (a) – (g) in this request.

41. Describe all wastes disposed by Respondent into Respondent's drains including but not limited to:
- a. the nature and chemical composition of each type of waste;
 - b. the dates on which those wastes were disposed;
 - c. the approximate quantity of those wastes disposed by month and year;

- d. the location to which these wastes drained (e.g. septic system or storage tank at the Property, pre-treatment plant, Publicly Owned Treatment Works (POTW), etc.); and
- e. whether and what pretreatment was provided.

Not applicable.

42. Identify any sewage authority or treatment works to which Respondent's waste was sent.

Not applicable.

43. Describe all settling tank, septic system, or pretreatment system sludges or other treatment wastes resulting from Respondent's operations.

There are no settling tank, septic system, or pretreatment system sludges or other treatment wastes associated with Respondent's operations. The two half-bathrooms on the Property drain to an on-site septic system believed to be located near the office on the Property.

44. If applicable, describe the facilities, processes and methods Respondent or Respondent's contractor used, and activities engaged in, either currently or in the past, related to ship building, retrofitting, maintenance or repair, including, but not limited to, dry-docking operations, tank cleaning, painting and re-powering.

Not applicable.

45. Describe any hazardous substances, wastes, or materials used or generated by the activities described in response to the previous Question and how these hazardous substances, materials and wastes were released or disposed of.

Not applicable.

46. Provide copies of any records you have in your possession, custody or control relative to the activities described in response to the previous two Questions.

Not applicable.

47. Describe any process or activity conducted on a Property identified in response to Question 4 involving the acquisition, manufacture, use, storage, handling, disposal or release or threatened release of polychlorinated biphenyl(s) ("PCB(s)" or PCB(s)-containing materials or liquids.

In August, 1988, during an emergency inspection by an EPA inspector under the authority of the TSCA program, EPA discovered a single GE transformer in the middle of the Property that was found to contain PCB at a concentration of 124 ppm. Respondent had no knowledge or information regarding how or when the single GE transformer came to be located on its Property. After its discovery, Respondent paid GE to remove and dispose of the transformer and its contents. Respondent has no knowledge or information regarding where and how GE disposed of the transformer and its contents, other than that GE represented that it would transport the empty transformer to an EPA licensed chemical waste facility for disposal, and

transport the PCB liquids to an EPA licensed destruction facility. See letter dated February 9, 1989 from Fred W. Johnson, PCB Specialist – NW Area, GE Industry Sales & Services, and February 8, 1989 proposal for PCB service. (Attachments 25 and 26)

One composite soil sample taken outside the chain link fence on the property boundary near the access road during the 1988 TSCA inspection also revealed the presence of PCBs in the soil greater than 1 ppm. Respondent has no knowledge or information regarding how the PCBs came to be located in soil outside Respondent's fence. There were BPA transformers located near where the soil sample was taken, but BPA confirmed based on its sales records that the transformers in question contained less than 1 ppm when sold to Respondent.

48. For each process or activity identified in response to the previous Question, describe the dates and duration of the activity or process and the quantity and type of PCB(s) or PCB(s) containing materials or liquids.

PCB in oil in the single GE transformer discovered and removed from the Property in 1989 was Aroclor 1260 detected at 124 mg/kg.

PCB in soil outside the chain link fence contained Aroclor 1254, detected at 1.24 ppm.

Sources: Sampling results in EPA TSCA Inspection Report
 Sampling results from GE, Attachments 25 and 26

49. For each process or activity identified in response to the previous two Questions, identify the location of the process or activity on the property.

The single GE transformer discovered on the Property was discovered at approximately the middle of the Property, but was unrelated to any process or activity of Respondent. The composite soil sample taken outside the fence on the Property was near several BPA transformers Respondent bought from BPA for salvage, but BPA confirmed through its records that the BPA transformers sold to Respondent did not contain PCB greater than 1 ppm.

See the attached hand-drawn map depicting the locations of the GE transformer in the middle of the site and the BPA transformers and soil samples outside the chain link fence, near the access road. (Attachment 45)

Section 5.0 Regulatory Information

50. Identify all federal, state and local authorities that regulated the owner or operator of each Property and/or that interacted with the owner or operator of each Property. Your response is to address all interactions and in particular all contacts from agencies/departments that dealt with health and safety issues and/or environmental concerns.

United States Environmental Protection Agency
Oregon Department of Environmental Quality, Environmental Cleanup
Oregon Department of Environmental Quality, Underground Injection Control Program
City of Portland Development Services

City of Portland Environmental Services, Water Pollution Control Laboratory, Industrial Stormwater Section

51. Describe all occurrences associated with violations, citations, deficiencies, and/or accidents concerning each Property during the period being investigated related to health and safety issues and/or environmental concerns. Provide copies of all documents associated with each occurrence described.

EPA: In August, 1988, Ronald I. Culver of the EPA conducted a TSCA inspection of the Property to determine whether activities at the Property were in compliance with EPA regulations governing PCBs. In September, 1988 EPA issued a Notice of Violations to Respondent and thereafter in November, 1988 initiated an administrative action for various disposal, storage, marking, record keeping, and monitoring violations based upon the presumed presence of PCB in the transformers Respondent acquired from BPA for salvage. After EPA's investigation determined that the BPA transformers used non-PCB oil, EPA proposed an agreed order in March 21, 1989 that withdrew the disposal, marking and storage violation related to the BPA transformers, and reduced the proposed civil penalty from \$14,000 to \$8,100. The proposed civil penalty was to address strictly the issues surrounding the single GE transformer that contained PCBs greater than 50 ppm and less than 500ppm, including the leaking of the GE transformer (spill/disposal), the area where the transformer was stored (storage), improper marking of the area where the transformer was stored and the transformer itself, and not keeping adequate records. Respondent was given until August, 1989 to have the transformer removed.

There had been no further contacts with EPA until Respondent received the 104(e) Information Request in January, 2008.

Oregon Department of Environmental Quality. In March, 1989, the ODEQ conducted a Preliminary Assessment of the Property for EPA, to identify potential hazards at the Property, identify sites that require emergency action, and to establish priorities for sites requiring in-depth investigations. Based on the TSCA Inspection Report and follow-up; and given the absence of a release to ground or surface water, or to the air; the little use of groundwater in the vicinity; the topography; and the low levels of contaminants at the Property, the ODEQ recommended to EPA that the Property should be considered for no further action by the EPA Superfund Program. In a June 8, 1989 letter to Stanford Nudelman of Respondent, David St. Louis of ODEQ advised that DEQ did not anticipate further action at the Property unless additional information becomes available which warrants investigation.

In October, 2008 DEQ sent Respondent a Notice to Comply with Underground Injection Control (UIC) Regulations and UIC Program Fees. Respondent replied by letter dated December 28, 2008 seeking exemption from the UIC program based on the absence of any connection of the property to City storm or sewer lines, and the presence of a septic system on-site for the two half-bathrooms in the non-residential office.

There have been no further interactions or contacts from DEQ. However, DEQ's Environmental Cleanup Site Information (ECSI) Database notes the following:

(CWH/SA 1/29/09) DEQ has reviewed recent records and discussed this site with other local agencies that indicate that releases of hazardous substances may have occurred. Specifically - pollution complaints from 2003 (City of Portland inspector reported that 55 gal drums were leaking oil) and in 2008- Metro concerned that they are not adequately managing Freon from appliances they recycle. COP's stormwater inspectors had also noted on several occasions that they would dismantle equipment in front of their offices and have dismantled, apparently exposed electronics or equipment, that COP was concerned would impact stormwater runoff. DEQ did a brief scan of available aerial photographs from Portland Maps, which seem to indicate build up of wastes in an uncovered area on the site. The latest photograph has been added to ECSI for example. DEQ has not performed a site visit (as of January 2009) to verify actual on-site conditions.

<http://www.deq.state.or.us/lq/ECSI/ecsidetailfull.asp?seqnbr=966> [accessed 9/08/09]

City of Portland Bureau of Development Services. On three occasions (February, 2001; January, 2003; and September, 2005) the Bureau of Development Services investigated nuisance complaints for debris, garbage, and overgrown weeds. With each complaint the Bureau contacted Respondent about the complaint, requested that Respondent address the problem, and following Respondent's compliance and an inspection, closed the complaint file. http://www.portlandmaps.com/detail.cfm?action=Permits&propertyid=R316495&state_id=1N1E29AD%20%20900&address_id=599569&intersection_id=&dynamic_point=0&x=7636687.817&y=691937.248&place=2707%20NW%20NELA%20ST&city=PORTLAND&neighborhood=NORTHWEST%20INDUSTRIAL&seg_id=196249

City of Portland Environmental Services – Water Pollution Control Laboratory. In June, 1999 and January, 2000 the City inspected the Property to determine if storm water runoff from the Property drains to the City of Portland storm sewer. By letter dated January 24, 2000 John Holtrop of the Industrial Stormwater Section advised that stormwater runoff from the portion of the Property where scrap handling was then taking place drains to the City storm sewer and if Respondent did not eliminate the storage or handling of scrap in that location, Respondent would be required to obtain a stormwater permit. Respondent elected to move its operations from the area of the Property where runoff drained to the storm sewer to its upper yard, where it did not, and notified the City of its actions by letter dated February 9, 2000. Respondent had not completed its relocation efforts by 2002, and was contacted again by the Industrial Stormwater Section. Respondent contacted Erin Shelley at the Water Pollution Control Laboratory and advised her of its progress and invited her to visit the Property for an inspection of the area subject to stormwater runoff. After Respondent completed its relocation efforts, it did not thereafter obtain a stormwater permit, and there was no follow-up regulation or contact from the Industrial Stormwater Section.

52. Provide a list of all local, state and federal environmental permits ever issued to the owner or operator on each Property (e.g., RCRA permits, NPDES permits, etc.). Please

provide a copy of each federal and state permit, and the applications for each permit, ever issued to the owner or operator on each Property.

None. In the removal of the single GE transformer in 1989, GE may have been issued a permit for removal, transport, and disposal, but the Respondent has no knowledge or information to confirm that. During the 1993 tank removal, Respondent believes that Spencer, Inc. was issued the permits necessary for the excavation, draining, and removal of the two underground storage tanks and the contents that Spencer, Inc. drained from those tanks.

53. Did the owner or operator ever file a Hazardous Waste Activity Notification under the RCRA? If so, provide a copy of such notification.

No Hazardous Waste Activity Notification has ever been filed.

54. Did the owner or operator's facility on each Property ever have "interim status" under the RCRA? If so, and the facility does not currently have interim status; describe the circumstances under which the facility lost interim status.

No.

55. Provide all RCRA Identification Numbers issued to Respondent by EPA or a state for Respondent's operations.

Not applicable.

56. Identify all federal offices to which Respondent has sent or filed hazardous substance or hazardous waste information. State the years during which such information was sent/filed.

During the 1988 TSCA investigation by EPA and the 1989 Preliminary Assessment conducted by ODEQ for EPA, Respondent provided to EPA and ODEQ investigators all information in its possession or under its control related to Respondent's purchase of transformers from BPA for salvage, to demonstrate the absence of PCBs associated with Respondent's operations. In 1989, Respondent also provided EPA with information related to Respondent's hiring of GE to remove and properly dispose of the single PCB-containing transformer discovered on the Property.

57. Identify all state offices to which Respondent has sent or filed hazardous substance or hazardous waste information. State the years during which such information was sent/filed.

During the 1989 Preliminary Assessment conducted by ODEQ for EPA, Respondent provided to ODEQ investigators all information in its possession or under its control related to Respondent's purchase of transformers from BPA for salvage, to demonstrate the absence of PCBs associated with Respondent's operations.

58. List all federal and state environmental laws and regulations under which Respondent has reported to federal or state governments, including but not limited to: Toxic Substances Control Act, 15 U.S.C. Sections 2601 et seq., (TSCA); Emergency Planning

and Community Right-to-Know Act, 42 U.S.C. Sections 1101 et seq., (EPCRA); and the Clean Water Act (the Water Pollution Prevention and Control Act), 33 U.S.C. Sections 91251 et seq., Oregon Hazardous Substance Remedial Action Law, ORS 465.315, Oregon Water Quality law, ORS Chapter 468(b), Oregon Hazardous Waste and Hazardous Materials law, ORS Chapters 465 and 466, or Oregon Solid Waste law, ORS Chapter 459. Provide copies of each report made, or if only oral reporting was required, identify the federal and state offices to which such report was made.

Respondent has filed no such reports.

59. Provide a copy of any registrations, notifications, inspections or reports required by the Toxic Substances Control Act, 15 USC § 2601 et seq., or state law, to be maintained or submitted to any government agency, including fire marshal(s), relating to PCB(s) or PCB(s) containing materials or liquids on any Property identified in response to Question 4.

Attached, see EPA's 1988 TSCA inspection report. (Attachment 13)

60. Has Respondent or Respondent's contractors, lessees, tenants, or agents ever contacted, provided notice to, or made a report to the Oregon Department of State Lands ("DSL") or any other state agency concerning an incident, accident, spill, release, or other event involving Respondent's leased state aquatic lands? If so, describe each incident, accident, spill, release, or other event and provide copies of all communications between Respondent or its agents and DSL or the other state agency and all documents that were exchanged between Respondent, its agents and DSL or other state agency.

No.

61. Describe all notice or reporting requirements to DSL that you had under an aquatic lands lease or state law or regulation regarding incidents affecting, or activities or operations occurring on leased aquatic lands. Include the nature of the matter required to be reported and the office or official to whom the notice or report went to. Provide copies of all such notices or reports.

None.

Section 6.0 Releases and Remediation

62. Identify all leaks, spills, or releases into the environment of any waste, including petroleum, hazardous substances, pollutants, or contaminants, that have occurred at or from each Property, which includes any aquatic lands owned or leased by Respondent. In addition, identify, and provide copies of any documents regarding:
- a. when such releases occurred;
 - (i) The date of the PCB release from the GE transformer is unknown; it was discovered in 1988 when EPA conducted an emergency TSCA inspection.

- (ii) The date of the PCB release outside the chain link fence on the Property is unknown; it was discovered in 1988 when EPA conducted an emergency TSCA inspection.
 - (iii) During the 1988 TSCA Inspection, EPA discovered minor releases of oil from scrapped materials to surficial soil.
 - (iv) There was a soy ink spill to the surface of the blacktop parking area at the Property on June 7, 2007.
- b. how the releases occurred (e.g. when the substances were being stored, delivered by a vendor, transported or transferred (to or from any tanks, drums, barrels, or recovery units), and treated);
 - (i) A small amount of PCB was released from a single GE transformer discovered in the middle of the Property, into soil in a 2 ft² area. The cause of the release is unknown.
 - (ii) There was also a small release of PCB discovered in soil in the vicinity of BPA transformers bought for scrap by Respondent and stored outside the chain link fence on the Property. However, the transformers used oil that did not contain PCB, and the soil from which the sample containing PCBs was taken was adjacent to the access road, so the source and cause of the apparent release cannot be ascertained.
 - (iii) As most of the scrapped materials stored on the Property were not oil-containing, or the oil had been removed by Harbor Oil prior to their being brought to the Property, the causes of the minor releases of oil to surficial soil are unknown. It is likely the oil leaked from broken pieces of equipment while they were stored onsite.
 - (iv) Unknown.
- c. the amount of each hazardous substances, pollutants, or contaminants so released;
 - (i) The amount of PCB released from the single GE transformer discovered in the middle of the Property, into soil in a 2 ft² area, was small, but the precise quantity is unknown.
 - (ii) The size of the release of PCB discovered in soil in the vicinity of BPA transformers outside the chain link fence on the Property is unknown, but ODEQ noted in its Preliminary Assessment that the concentration of PCB in the sample was small, despite the fact that

the sample was taken from the soil that looked to be the darkest and thus the most-contaminated in the area; consequently, Respondent assumes the amount was quite small.

- (iii) The size of the releases of oil to surficial soils around the site is assumed to be quite small. As the EPA noted during its TSCA site inspection, most of the scrapped materials stored on the Property were not oil-containing. In addition, during the single year when Respondent purchased transformers from BPA for salvage, Respondent had the oil removed by Harbor Oil prior to the transformers being brought to the Property, so little of the scrap materials handled or stored on site contained oil.
- (iv) Unknown. An outside vendor, MRP Services, was retained to clean the spilled soy ink and vacuum the parking lot drains, then dispose of the ink and waste water at an approved landfill.

d. where such releases occurred;

- (i) A small amount of PCB was released from a single GE transformer discovered in the middle of the Property, into soil in a 2 ft² area.
- (ii) There was also a small release of PCB discovered in soil in the vicinity of BPA transformers bought for scrap by Respondent and stored outside the chain link fence on the Property.
- (iii) There were minor releases of oil from scrapped materials to surficial soil noted at various areas on the Property.
- (iv) In the parking lot at the northwest corner of the Property.

e. any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;

For the PCB and surficial oil releases, because EPA discovered them, Respondent provided no further notification to any agency or governmental unit.

The soil underlying the single PCB-containing transformer, along with the transformer and its contents, was removed and disposed of or destroyed, accordingly, in 1989.

No activities have been undertaken to address minor releases to surficial soil at the Property.

The soy ink was vacuumed up and disposed of by an outside vendor.

- f. any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing undertaken;

See attached investigation reports and sampling data related to the PCB and surficial soil releases (Attachments 25-31).

See attached invoice from MRP Services for the cleanup of the soy ink spill. (Attachment 27)

- g. all persons with information relating to these releases; and

Stanford Nudelman was the individual with direct and personal knowledge relating to the PCB and surficial oil releases. He is now deceased. Marvin Nudelman, as the representative of Respondent, has some personal knowledge of these releases, as well as access to and control over the Respondent's records from which these responses have been prepared.

Respondent's former environmental attorney, David Blount of Landye Bennett Blumstein LLP 1300 SW Fifth Avenue, Suite 3500, Portland, OR 97201 may have information relating to these releases. However, communications between Respondent and Mr. Blount are protected by the attorney-client privilege, which Respondent does not waive and hereby expressly asserts.

Former and current EPA and ODEQ staff identified in the 1988 TSCA Inspection Report and the 1989 Preliminary Assessment and in ODEQ's ECSI database may also have information relating to these releases.

Marvin Nudelman has information relating to the soy ink spill, as does MRP Services, P.O. Box 33585, Portland, OR 97292.

- h. list all local, state, or federal departments or agencies notified of the release, if applicable.

Respondent did not notify local, state, or federal departments or agencies.

- 63. Was there ever a spill, leak, release or discharge of waste, including petroleum, or hazardous substances, pollutant or contaminant into any subsurface disposal system or floor drain inside or under a building on the Property? If the answer to the preceding question is anything but an unqualified "no", identify:

- a. where the disposal system or floor drains were located;

- b. when the disposal system or floor drains were installed;
- c. whether the disposal system or floor drains were connected to pipes;
- d. where such pipes were located and emptied;
- e. when such pipes were installed;
- f. how and when such pipes were replaced, or repaired; and
- g. whether such pipes ever leaked or in any way released such waste or hazardous substances into the environment.

No.

64. Has any contaminated soil ever been excavated or removed from the Property? Unless the answer to the preceding question is anything besides an unequivocal “no”, identify and provide copies of any documents regarding:

Respondent believes that when GE removed the single PCB-containing transformer from the Property in 1989, it also removed PCB-contaminated soil in a 2 ft² area underneath the transformer, but cannot verify that.

- a. amount of soil excavated;

Unknown.

- b. location of excavation presented on a map or aerial photograph;

See hand-drawn map for location of GE transformer in middle of Property.
(Attachment 45)

- c. manner and place of disposal and/or storage of excavated soil;

Unknown.

- d. dates of soil excavation;

Unknown.

- e. identity of persons who excavated or removed the soil, if other than a contractor for Respondent;

Unknown.

- f. reason for soil excavation;

PCB removal.

- g. whether the excavation or removed soil contained hazardous substances, pollutants or contaminants, including petroleum, what constituents the soil contained, and why the soil contained such constituents;

Unknown.

- h. all analyses or tests and results of analyses of the soil that was removed from the Property;

Unknown.

- i. all analyses or tests and results of analyses of the excavated area after the soil was removed from the Property; and

Unknown.

- j. all persons, including contractors, with information about (a) through (i) of this request.

Marvin Nudelman
GE Industry Sales & Services
Fred W. Johnson, PCB Specialist
2535 N.W. 28th Ave.
Portland, OR 97229

65. Have you ever tested the groundwater under your Property? If so, please provide copies of all data, analysis, and reports generated from such testing.

No.

66. Have you treated, pumped, or taken any kind of response action on groundwater under your Property? Unless the answer to the preceding question is anything besides an unequivocal “no,” identify and provide copies of any documents regarding:

- a. reason for groundwater action;
- b. whether the groundwater contained hazardous substances, pollutants or contaminants, including petroleum, what constituents the groundwater contained, and why the groundwater contained such constituents;
- c. all analyses or tests and results of analyses of the groundwater;
- d. if the groundwater action has been completed, describe the basis for ending the groundwater action; and
- e. all persons, including contractors, with information about (a) through (c) of this request.

No.

67. Was there ever a spill, leak, release or discharge of a hazardous substance, waste, or material into the Willamette River from any equipment, structure, or activity occurring on, over, or adjacent to the river? If the answer to the preceding question is anything but an unequivocal “no”, identify and provide copies of any documents regarding:

- a. the nature of the hazardous substance, waste, or material spilled, leaked, released or discharged;
- b. the dates of each such occurrence;
- c. the amount and location of such release;
- d. were sheens on the river created by the release;
- e. was there ever a need to remove or dredge any solid waste, bulk product, or other material from the river as a result of the release? If so, please provide information and description of when such removal/dredging occurred, why, and where the removed/dredged materials were disposed.

No.

68. For any releases or threatened releases of PCB(s), identify the date, quantity, location and type of PCB(s), or PCB(s) containing materials or liquids, and the nature of any response to or cleanup of the release.

See Respondent's response to request No. 62, *supra*.

69. For any releases or threatened releases of PCB(s) and/or PCB(s) containing materials or liquids, identify and provide copies of any documents regarding the quantity and type of waste generated as a result of the release or threatened release, the disposition of the waste, provide any reports or records relating to the release or threatened release, the response or cleanup and any records relating to any enforcement proceeding relating to the release or threatened release.

See attached EPA TSCA Inspection Report, ODEQ Preliminary Assessment, and correspondence from GE regarding sampling, removal, and disposal of a single PCB-containing GE transformer. (Attachments 13, 15 and 26)

Section 7.0 Property Investigations

70. Provide information and documentation concerning all inspections, evaluations, safety audits, correspondence and any other documents associated with the conditions, practices, and/or procedures at the Property concerning insurance issues or insurance coverage matters.

None.

71. Describe the purpose for, the date of initiation and completion, and the results of any investigations of soil, water (ground or surface), sediment, geology, and hydrology or air quality on or about each Property. Provide copies of all data, reports, and other documents that were generated by you or a consultant, or a federal or state regulatory agency related to the investigations that are described.

The Property was inspected by EPA in 1988 under the TSCA program. In 1993 there was limited soil sampling done during excavation of two USTs on the Property to confirm that there had not been a release from the tanks. Copies of all investigation reports and sampling results are attached. (Attachments 13-15, 25 and 26)

72. Describe any remediation or response actions you or your agents or consultants have ever taken on each Property either voluntarily or as required by any state or federal agency. If not otherwise already provided under this Information Request, provide copies of all investigations, risk assessments or risk evaluations, feasibility studies, alternatives analysis, implementation plans, decision documents, monitoring plans, maintenance plans, completion reports, or other document concerning remediation or response actions taken on each Property.

See Respondent's response to request number 62, *supra*, and documents otherwise provided under this Information Request.

73. Are you or your consultants planning to perform any investigations of the soil, water (ground or surface), geology, hydrology, and/or air quality on or about the Property? If so, identify:
- a. what the nature and scope of these investigations will be;
 - b. the contractors or other persons that will undertake these investigations;
 - c. the purpose of the investigations;
 - d. the dates when such investigations will take place and be completed; and
 - e. where on the Property such investigations will take place.

No.

Section 8.0 Corporate Information

74. Provide the following information, when applicable, about you and/or your business(es) that are associated with each Property identified in response to Question 4:

- a. state the current legal ownership structure (e.g., corporation, sole proprietorship);

Respondent S.J. Nudelman & Son, Inc. is an Oregon corporation.

- b. state the names and current addresses of current and past owners of the business entity or, if a corporation, current and past officers and directors;

The current records as maintained by the Oregon Secretary of State identify the following officers and directors:

Stanford J. Nudelman, President, Director (deceased)
Marvin Nudelman, formerly Vice President, Director
2707 W. Nela St.
Portland, OR 97210

Dorothy S. Nudelman, Secretary, Director
(b) (6)
Portland, OR 97212

- c. discuss all changes in the business' legal ownership structure, including any corporate successorship, since the inception of the business entity. For example, a business that starts as a sole proprietorship, but then incorporates after a few years, or a business that is subsequently acquired by and merged into a successor. Please include the dates and the names of all parties involved;

Respondent's business was originally operated by Stanford Nudelman under the name Foundry Iron & Steel Supply Co. Foundry Iron & Steel Supply Co. was registered as an assumed business name with the Oregon Secretary of State on July 1, 1964, but the Secretary of State's document file is incomplete and the original assumed business name registration cannot be located. Foundry Iron & Steel Supply Co. has been continuously registered as an assumed business name since July 1, 1964. The earliest record of the names association with Respondent is an application for renewal of the assumed business registration, dated June 6, 1989. Its registry number is 723246-51.

On August 3, 1979 Respondent registered an additional assumed business name with the Oregon Secretary of State: ABC & J Recycling. ABC & J Recycling has been continuously registered as an assumed business name of Respondent since that time. Its registry number is 181205-50.

S.J. Nudelman & Son, Inc. was incorporated on December 22, 1979 and its Articles of Incorporation filed with the Oregon Secretary of State on December 26, 1979. It has been continuously registered since that time. Its registry number is 141621-19.

- d. the names and addresses of all current or past business entities or subsidiaries in which you or your business has or had an interest that have had any operational or ownership connection with the Properties identified in response to Question 4. Briefly describe the business activities of each such identified business entities or subsidiaries; and

Not applicable.

- e. if, your business formerly owned or operated a Property identified in response to Question 4, describe any arrangements made with successor owners or operators regarding liability for environmental contamination or property damage.

Not applicable.

- 75. List all names under which your company or business has ever operated and has ever been incorporated. For each name, provide the following information:

- a. whether the company or business continues to exist, indicating the date and means by which it ceased operations (e.g., dissolution, bankruptcy, sale) if it is no longer in business;

Foundry Iron & Steel Supply Co. was registered as an assumed business name with the Oregon Secretary of State on July 1, 1964, and has been continuously registered as an assumed business name since July 1, 1964.

ABC & J Recycling was registered an assumed business name with the Oregon Secretary of State on August 3, 1979, and has been continuously registered as an assumed business name of Respondent since that time.

- b. names, addresses, and telephone numbers of all registered agents, officers, and operations management personnel; and

Not applicable. These are simply additional names under which Respondent has operated, not separate business entities.

- c. names, addresses, and telephone numbers of all subsidiaries, unincorporated divisions or operating units, affiliates, and parent corporations if any, of the Respondent.

Not applicable.

- 76. Provide all copies of the Respondent's authority to do business in Oregon. Include all authorizations, withdrawals, suspensions and reinstatements.

See Attachments 32-37.

- 77. If Respondent is, or was at any time, a subsidiary of, otherwise owned or controlled by, or otherwise affiliated with another corporation or entity, then describe the full nature of each such corporate relationship, including but not limited to:

- a. a general statement of the nature of relationship, indicating whether or not the affiliated entity had, or exercised, any degree of control over the daily operations or decision-making of the Respondent's business operations at the Site;
- b. the dates such relationship existed;
- c. the percentage of ownership of Respondent that is held by such other entity(ies);
- d. for each such affiliated entity provide the names and complete addresses of its parent, subsidiary, and otherwise affiliated entities, as well as the names and addresses of each such affiliated entity's officers, directors, partners, trustees, beneficiaries, and/or shareholders owning more than five percent of that affiliated entity's stock;

- e. provide any and all insurance policies for such affiliated entity(ies) which may possibly cover the liabilities of the Respondent at each Property; and
- f. provide any and all corporate financial information of such affiliated entities, including but not limited to total revenue or total sales, net income, depreciation, total assets and total current assets, total liabilities and total current liabilities, net working capital (or net current assets), and net worth.

Not applicable.

78. If Respondent is a partnership, please describe the partnership and provide a history of the partnership's existence. Provide a list of all current and past partners of any status (e.g., general, limited, etc.) and provide copies of all documents that created, govern, and otherwise rules the partnership, including any amendments or modifications to any of the originals of such documents, and at least five years of partnership meeting minutes.

Not applicable.

Section 9.0 Compliance With This Request

79. Describe all sources reviewed or consulted in responding to this request, including, but not limited to:
- a. the name and current job title of all individuals consulted;
 - (i) Marvin Nudelman,
 - (ii) Respondent's files
 - (iii) Ross Caron, Manager, Bureau of Development Services, City of Portland [public records request]
 - (iv) Marjorie Holland, ODEQ/Northwest Region Water Quality [public records request]
 - (v) Noel A. Saunders, SF Records Management Coordinator, ECL FOIA Coordinator, ROC Alternate Project Officer [public records request]
 - (vi) Holly G. Pence, Permit Coordinator, Solid Waste, DEQ Northwest Region [public records request]
 - (vii) Adele Leonard, City of Portland Environmental Services [public records request]
 - (viii) David Blount, Landye Bennett Blumstein, Respondent's former environmental attorney

- (ix) Circuit Court for the State of Oregon, Multnomah County [docket search]
 - (x) EPA Electronic Records, Portland Harbor Superfund Site
 - (xi) ODEQ Environmental Cleanup Site Information Database
 - (xii) City of Portland electronic records database
- b. the location where all sources reviewed currently reside; and
- (i) (b) (6)
 - (ii) 2707 NW Nela St., Portland, OR 97210
 - (iii) 1900 SW 4th Avenue, Suite 5000 Portland, OR 97201
 - (iv) ODEQ/Northwest Region Water Quality , 2020 SW 4th Ave, Suite 400, Portland OR 97201
 - (v) EPA R10, ECL, Program Management Unit
 - (vi) ODEQ Northwest Region, 2020 SW 4th Ave, Suite 400, Portland OR 97201-4987
 - (vii) 1120 SW 5th Ave., Rm. 1000, Portland, OR 97204
 - (viii) 1300 Southwest Fifth Avenue, Suite 3500, Portland, Oregon 97201
 - (ix) Multnomah County Courthouse, 1021 SW Fourth Ave., Portland, OR 97204-1123
 - (x) Available at:
<http://yosemite.epa.gov/R10/Cleanup.nsf/4ca19ed6a0fe79d588256ec90061cea7/75e7f27bd108f3eb88256f4a007ba018!OpenDocument>
 - (xi) <http://www.deq.state.or.us/lq/ECSI/ecsi.htm>
 - (xii) Available at:
<http://www.portlandmaps.com/detail.cfm?x=7636687.817&y=691937.248>

c. the date consulted.

- (i) Ongoing consultation from receipt of Request for Information to present
- (ii) Ongoing consultation from receipt of Request for Information to present
- (iii) September 8, 2009
- (iv) June 8, 2009
- (v) June 6, 2009
- (vi) May 20, 2009
- (vii) May 19, 2009
- (viii) Several occasions between February, 2008 and June, 2009
- (ix) August 5 – 6, 2009
- (x) Numerous occasions between May and September, 2009
- (xi) Numerous occasions between May and September, 2009
- (xii) Numerous occasions in August and September, 2009

80. If not already provided, identify and provide a last known address or phone number for all persons, including Respondent's current and former employees or agents, other than attorneys, who have knowledge or information about the generation, use, purchase, storage, disposal, placement, or other handling of hazardous materials at, or transportation of hazardous substances, waste, or materials to or from, each Property identified in response to Question 4.

No additional persons.

81. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:

- a. the document retention policy between 1937 and the present;

Respondent does not have a document retention policy.

- b. the approximate date of destruction;

Unknown.

- c. a description of the type of information that would have been contained in the documents;

The 1988 TSCA Inspection Report and the 1989 Preliminary Assessment refer to documents Respondent produced to EPA for its inspection such as invoices from BPA for transformers, along with general descriptions and tonnage data, which are no longer contained in Respondent's files.

- d. the name, job title and most current address known by you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; the person(s) who would have been responsible for destroying the documents; and the person(s) who had and/or still have the originals or copies of these documents; and

Not applicable.

- e. the names and most current addresses of any person(s) who may possess documents relevant to this inquiry.

Not applicable.

- 82. Provide a description of all records available to you that relate to all of the questions in this request, but which have not been included in your responses.

Respondent has included in its responses all records available to it – in its possession, under its control, or available from public sources through public disclosure laws.

INSTRUCTIONS

1. Answer Each Question Completely. Provide a separate answer to each question and subpart set forth in this Information Request. Please provide responses to all the questions in this Information Request for each Property identified in response to Question 4 of Section 2.0, when appropriate. For each Response clearly identify the Property or Properties to which the response applies. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Information Request and may subject the Respondent to the penalties set out in the cover letter.
2. Response and Copies of Documents Must be on Paper (hard copy). Provide the responses to this Information Request and at least one copy of all requested documents on hard copy paper.

There is a Portland Harbor PRP search website:

(<http://Yosemite.cpa.gov/R10/CLEANUP.NSF/7dl9cd587dffleee8825685fD07d56b7/75e7f27bdl08f3eb88256f4a007ba018!OpenDocument>) that lists documents in the Superfund program's files related to certain facilities or parties. You do not need to provide a copy of a document that appears on the list if EPA has a complete copy. If a document is on EPA's list, you still must provide a complete Response to each question in this Information Request and, if necessary in order to completely respond to a Question, describe the content of any document in EPA's files in your Response. You may also provide a second copy of the response electronically on a compact disc, if you choose, in Portable Document Format (PDF) format. If possible, further format large documents as follows;

- a. Bookmark documents longer than 10 pages for easier navigation (e.g., chapters);
 - b. Ensure that file/document properties/initial view is for "bookmarks panel and page" if there are bookmarks.
 - c. For document composed of multiple files, link together with a starter file that is less than 2 MB, i.e., the document's executive summary. The executive summary should have a bookmarks panel with bookmark links to the other files. Ensure that all files are saved to the same folder, rather than multiple folders so that the linkage is retained.
 - d. Bookmarks to other files should indicate the name of that file (and size of that file, if over 1 MB).
 - e. "Tag" the document for accessibility if this was not done by the source application (advanced/accessibility/tag).
 - f. Enter document properties: 1) title, author (should be XXXX for EPA Region 10), 2) subject, and 3) keywords.
3. Number Each Answer. Number each answer with the number of the question to which it corresponds.

4. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. Seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered noncompliance with this Information Request.
5. Identify Information Sources. For each question, identify all persons and documents relied upon for the answer.
6. Confidential Information. The information requested herein must be provided even though the Respondent may contend that it includes confidential information or trade secrets. The Respondent may assert a confidentiality claim covering part or all of the information requested, pursuant to 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. §2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as "trade secret" or "proprietary" or "company confidential." A confidentiality claim should be supported by the submission of information consistent with 40 C.F.R. Part 2. Information covered by a confidentiality claim will be disclosed by EPA only to the extent, and only by means of the procedures, provided in 40 C.F.R. §§ 2.201-2.311. If no such claim accompanies the information received by EPA, it may be made available to the public by EPA without further notice.
7. Disclosure to EPA Contractor. Information submitted in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. 2.310(h), even if the Respondent asserts that all or part of it is confidential business information. EPA may provide this information to its contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If submitting information and asserting it is entitled to treatment as confidential business information, the Respondent may comment on EPA's intended disclosure within 14 days of receiving this Information Request.
8. Personal Privacy information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from responses, included on separate sheet(s), and marked as "Personal Privacy Information." Note, however, that unless prohibited by law, EPA may disclose this information to the general public without further notice.
9. Objections. The Respondent must provide responsive information notwithstanding objections to certain questions. To object without providing responsive information may subject Respondent to the penalties set out in the cover letter.
10. Privilege. If a privilege is asserted for any document responsive to this Information Request, identify (see Definitions) the document and provide the basis for assertion. If a privilege exists for only a portion of a document, provide the portion of the document that is not asserted be privileged, identify the portion that is asserted to be privileged, and provide the basis for asserting privilege. Please note that regardless of the assertion of any privilege, any facts contained in the document which are responsive to the Information Request must be disclosed in your response.

11. Declaration. The Respondent must complete the enclosed declaration, certifying the accuracy of all statements in your response.

DEFINITIONS

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in Section 101 of CERCLA, 42 U.S.C. § 9601, et seq., or Volume 40 of the Code, of Federal Regulations (CFR), in which case such statutory or regulatory definitions shall apply.

The following definitions shall apply to the following words as they appear in this Enclosure:

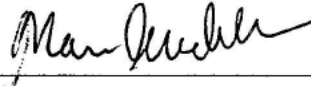
1. The term “you” or “Respondent” shall mean the addressee of this Request, together with the addressee’s officers, managers, agents, employees, contractors, trustees, successors, assigns, and any predecessor or successor corporations or companies.
2. The term “business activities” shall mean all actions, endeavors, ventures, or financing arrangements related in any manner whatsoever to the use and development of the Property, including surveying, sampling, grading, documentation, photography, demolition, construction, and waste disposal, and sales.
3. The terms “document” and “documents” shall mean any method of recording, storing, or transmitting information. “Document” shall include, but not be limited to:
 - a. writings of any kind, including, but not limited to, any of the following:
 - i. letters, memoranda, email or fax transmittals;
 - ii. any film, photograph, or sound recording on any type of device;
 - iii. meeting minutes, telephone records, notebooks;
 - iv. agreements and contracts;
 - v. reports to shareholders, management, or government agencies;
 - vi. transportation manifests;
 - vii. copies of any document;
 - viii. report, notices, analysis, notebook.
 - b. any blueprints or drawings; and
 - c. attachments to, or enclosures with, any document.
4. The term “identify” means, with respect to a natural person, to set forth: (a) the person’s full name, (b) present or last known business and home addresses and telephone numbers; and (c) present or last known employer (include full name and, address) with job title, position, or business.
5. The term “identify” means, with respect to a corporation, partnership, business trust, or other entity, to set forth: (a) its full name; (b) complete street address; (c) legal form (e.g., corporation, partnership, etc.); (d) the state under whose laws the entity was organized; and (e) a brief description of its business.
6. The term “identify” means, with respect to a document, to provide: (a) its customary business description (e.g., letter, invoice); (b) its date; (c) its number if any (e.g., invoice or purchase order number); (d) the identity of the author, addressee, and/or recipient; and

- (e) a summary of the substance or the subject matter. Alternatively, Respondent may provide a complete copy of the document.
7. The term “Investigation Area” refers to the area in and adjacent to the Willamette River in which EPA is currently conducting its PRP search and is bounded to the North by the confluence of the Columbia Slough, approximately River Mile 1.7 and bounded to the South at River Mile 12 and bounded to the East by a line following N Lombard St. to N Columbia Blvd. to Chimney Park to N. Commando Ave. to N Lombard St. to N Reno Ave. to N Edison St. to N Catlin Ave to N Decatur St. to N Baltimore Ave. to N Crawford St. to N Polk Ave. to N Willamette Blvd. to N Greeley Ave to N Interstate Ave. and bounded to the West by a line following NW Gillihan Rd. on Sauvie Island to Columbia River Hwy 30 to NW St. Helens Rd. to NW Nicolai St. to NW Vaughn St. to NW Thurman St. to NW 14th Ave. to NW Raleigh St. to NW 13th Ave. to NW Pettygrove St. to NW 12th Ave to NW Overton St. to NW 9th Ave. to NW Lovejoy St. to NW Broadway to NW Glisan St. Additionally, the area included between the Columbia River Hwy 30 and Forest Park is included in the definition of Investigation Area. See attached Investigation Area Map for a visual depiction of the Investigation Area.
 8. The term “material” or “materials” shall mean any and all raw materials, commercial products, wastes, oil, petroleum, chemicals, substances, or matter of any kind.
 9. The “period being investigated” and “the relevant time period” shall mean 1937 to present.
 10. The term “Property(ies)” shall refer to any and all real or personal property within the Portland Harbor Investigation Area that Respondent owns, leases, manages, operates, has an easement on, or otherwise has an affiliation, or previously owned, leased, managed, operated, had an easement on, or otherwise had an affiliation during the period being investigated. The term Property includes aquatic lands owned, leased, or otherwise controlled by Respondent. Please note that you must answer the Questions in this Information Request related to properties outside the Investigation Area if Question 4, Section 2.0 specifically instructs you to.
 11. The term “waste” or “wastes” shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including, but not limited to, containers for temporary or permanent holding of wastes, building debris and asbestos-containing material.

DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of Respondent and that the foregoing is complete, true, and correct.

Executed on September 25, 2009 at Portland, Oregon.



Signature

Marvin Nudelman

Type or Print Name

None

Title

Mailing Address:

(b) (6)

Portland, OR 97229

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